



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEPR-P (715)

13 April 2001

MEMORANDUM FOR ALL USACE COMMANDS, ATTN: DIRECTORS/CHIEFS OF
CONTRACTING

SUBJECT: PARC Instruction Letter 2001-03, Implementation of Task Order Contract and
Delivery Order Contract Ombudsman

1. Reference:

- a. SARD-PP Memorandum of 29 July 1996, SAB (copy enclosed).
- b. FAR 16.505(b)(4).

2. In accordance with references 1.a. above, the Head of the Contracting Activity is required to appoint a task and delivery order ombudsman. For all USACE contracting activities the interim ombudsman will be Mr. Clyde Wayne Hardin.

3. While ombudsmen may become involved in all aspects of awarding task and delivery order contracts, his/her authority is limited to issues pertaining to the awarding of task and delivery orders under multiple award contracts.

4. Ombudsmen shall have the authority to:

- a. Review complaints from contractors awarded multiple award contracts that they have not been afforded a fair opportunity to be considered for award of a particular task order.
- b. After coordination with the contracting officer, and if he/she agrees with the contractor, require that the contracting officer take corrective action regarding the complaint.
- c. If the contracting officer does not agree with the ombudsman, the matter shall be decided by the PARC.

5. Multiple award task and delivery order contracts shall identify the ombudsman therein.

6. This PARC Instruction Letter cancels and supersedes PARC Instruction Letter 01-02 dated 02 Mar 2001.

FOR THE COMMANDER:

Encl


BUNNATINE H. GREENHOUSE
Principal Assistant Responsible
for Contracting



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

REPLY TO
ATTENTION OF

29 JUL 1996

SARD-PP

MEMORANDUM FOR ARMY HEADS OF CONTRACTING ACTIVITIES

SUBJECT: Task Order Contract and Delivery Order
Contract Ombudsman

FAR 16.505(b)(4) implements 10 U.S.C. 2304c(e) and states that, under multiple award task and delivery order contracts, "The head of the agency shall designate a...ombudsman who shall be responsible for reviewing complaints from contractors on task order contracts and delivery order contracts. The ombudsman shall...ensure that all contractors are afforded a fair opportunity to be considered, consistent with the procedures in the contract. The ombudsman shall be a senior agency official who is independent of the contracting officer and may be the agency's competition advocate."

I am currently the ombudsman for the Department of the Army. Each Army HCA shall appoint a task and delivery order ombudsman for the contracting activity. I recommend that it be the special competition advocate. In addition, each HCA shall develop procedures under which the ombudsman shall operate, consistent with the following conditions:

- a. The ombudsman shall be a senior official and independent of the contracting officer.
- b. While ombudsmen may become involved in all aspects of awarding task and delivery order contracts, their authority is limited to issues pertaining to the awarding of task and delivery orders under multiple award contracts.

- c. Ombudsmen shall have the authority to:

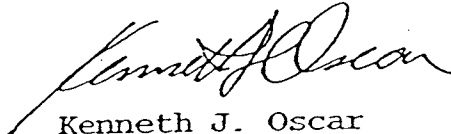
1. Review complaints from contractors awarded multiple award contracts that they have not been afforded a fair opportunity to be considered for award of a particular task order; and

2. After coordination with the contracting officer, and if they agree with the contractor, require that the contracting officer take corrective action regarding the complaint.

d. If the contracting officer does not agree with the ombudsman, the matter shall be decided by the PARC.

Multiple award task and delivery order contracts shall identify the appropriate ombudsman.

If you have any questions, please contact Mr. John Conklin, DSN 227-0723.



Kenneth J. Oscar
Deputy Assistant Secretary of the Army
(Procurement)